

**FILED**

SEP 14 2018

Clerk, U S District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

WAYNE BLUEFORD,

Defendant/Movant.

Cause No. CR 00-54-BLG-SPW

ORDER

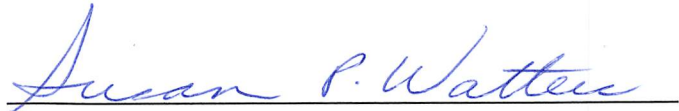
This case comes before the Court on Defendant/Movant Blueford's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255. The mandatory federal sentencing guideline regime governed Blueford's sentence. He seeks relief under *Johnson v. United States*, \_\_ U.S. \_\_, 135 S. Ct. 2551 (2015).

On September 12, 2018, the Court of Appeals held § 2255 motions seeking relief under the rule of *Johnson* are untimely until the Supreme Court extends *Johnson* to each new context that may arguably be affected by its reasoning. *See United States v. Blackstone*, No. 17-55023 (9th Cir. Sept. 12, 2018). The decision appears to control the outcome here.

Accordingly, IT IS HEREBY ORDERED that, on or before **October 1, 2018**, the parties shall file briefs of no more than 3,250 words explaining why

*Blackstone* does or does not control this Court's decision.

DATED this 13<sup>th</sup> day of September, 2018.



Susan P. Watters  
United States District Court